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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KRISCIUNAS, LINDA MARY

ART UNIT

PAPER NUMBER

3623

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/007,730

Applicant(s)

AMERASINGHE ET AL.

Examiner

Linda Krisciunas

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 14-24 and 30-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 14-24 and 30-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 17, 2006 has been entered. Claims 9-13 and 25-29 were canceled and claims 1, 3-7, 14-17, 19-23 and 30-33 were amended. Claims 1-8, 14-24 and 30-33 are pending.

Response to Amendment

2. All statements of Official Notice made in the art rejection have been on record since issuance of the Final office action rejection mailed on April 14, 2006, and in the subsequent response filed on July 17, 2006 the Applicant was silent on the matter of Official Notice. Consequently, the statements of Official Notice made in the art rejection have been established as admitted prior art due to Applicant's failure to adequately traverse the Examiner's assertions of Official Notice.

Response to Arguments

3. The Examiner has fully considered the applicant's argument with respect to Sultan (US 6,804,657) not teaching state information of the forecasts, but it is deemed not persuasive. Sultan teaches states in column 2, lines 24-47, where the forecast is in various states, including the original state of original pipeline sales information, stored forecast information in the database, tagged forecast information with respect to the

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sales force member, aggregated stored forecast information according to a hierarchy structure, forecast over a selected period of time, and converted forecast information according to a selected currency, whereby all these items represent states of the forecast.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-8, 14-24 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sultan (US 6,804,657).

As per claims 1, 14, 17, 30 and 33, Sultan teaches identifying opportunity data or revenue data corresponding to members of the organization, wherein the members of the organization are associated with positions in a hierarchy structure of the organization (column 2, lines 31-33: " storing the forecast sales information in the database and tagging the stored forecast sales information to that member of the sales force" and column 8, lines 40-43, where the forecast is based on revenue. Because the information associated with each sales member is based on revenue, this is deemed equivalent to identifying revenue data for each member as it performs an identical function in substantially the same manner with substantially the same results. See

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column 4, lines 24-30 and Figure 1, where it shows a hierarchical representation of the organization of a sales force and column 2, line 36: "hierarchical structure"); calculating forecast data corresponding to the members of the organization using the opportunity data and the revenue data corresponding to members of the organization (column 2, lines 16-37, where the forecast information is generated for each member of the hierarchy based upon the sales pipeline information each member inputs and the forecast is based on revenue as indicated in column 8, lines 40-43.); defining visibility rules that specify the forecast data corresponding to the members of the organization that are visible to a first member of the organization, wherein the visibility rules are defined according to the position of the first member in the hierarchy (column 5, lines 13-19: "In addition to being assigned a place within the hierarchical sales structure, each member of the sales force is assigned a permission level. According to the present invention, the permission level determines what information is available to each person within the sales force and in particular, what forecast information is visible, accessible and/or modifiable to and by each person."); and generating a forecast for the first member of the organization, wherein the data used for said generating the forecast is limited to forecast data corresponding to the members of the organization according to the visibility rules (column 2, lines 58-67 and column 3, lines 1-2, where the forecast is generated by aggregating the forecast information of those members of the sales force having a lower permission level than the member that requested the forecast. This indicates the permission level of the person dictates how much of the forecast they are allowed to view.); associating a state with the forecast, wherein the state comprises one

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of a created forecast state, an included forecast state, if the forecast is included in data of a forecast of another, a submitted forecast state, if the forecast is submitted by the first member of the organization, and as included-as-submitted forecast state, if the forecast is submitted by the first member of the organization and included in data of a forecast of another; modifying states associated with each forecast data corresponding to members of the organization to one of the included forecast state, if the forecast data does not currently have the submitted forecast state, and the included as submitted forecast state, if the forecast data does currently have the submitted forecast state (Sultan teaches states as depicted in column 2, lines 24-47, where the forecast is in various states, including the original state of original pipeline sales information, stored forecast information in the database, tagged forecast information with respect to the sales force member, aggregated stored forecast information according to a hierarchy structure, which means it is an included forecast; forecast over a selected period of time, and converted forecast information according to a selected currency, whereby all these items represent states of the forecast.); and enabling the first member to modify the forecast data corresponding to the members of the organization, if the forecast data does not have an associated included as submitted forecast state (column 7, lines 44-52: "The entered pipeline and sales information, however, should not be universally accessible by all members of the sales organization. For example, the member of the sales force occupying the Sales Manager position B11 should have access to the pipeline and forecast sales information entered and/or modified by his or her hierarchically-lower Account Supervisors B111, B112 and B113 and entered by those

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Account representatives (e.g., B1121-B1125, among others) that report to him.” This teaches that different levels of the hierarchy have different permission levels and can view different amounts of information. A manager can modify the information of his subordinates and would want this option unless the information has already been aggregated into the manager’s forecast. This represents allowing modification of a forecast that is not “included”, or aggregated, as it performs an identical function in substantially the same manner with substantially the same results.).

As per claim 2 and 18, Sultan teaches defining visibility rules that specify the forecast data that is visible to each management level (column 7, lines 44-52: “The entered pipeline and sales information, however, should not be universally accessible by all members of the sales organization. For example, the member of the sales force occupying the Sales Manager position B11 should have access to the pipeline and forecast sales information entered and/or modified by his or her hierarchically-lower Account Supervisors B111, B112 and B113 and entered by those Account representatives (e.g., B1121-B1125, among others) that report to him.” This teaches that different levels of the hierarchy have different permission levels and can view different amounts of information.); and enabling a forecast to be generated for any management level where the forecast generated in based on forecast data that is visible to the management level for which the forecast corresponds as specified by the visibility rules (column 7, lines 57-59: “to restrict access to the pipeline and/or forecast information, the assigned position levels are used.” And column 7, lines 66-67 and column 8, lines1-2: “a member of the sales force may only access pipeline and/or

forecast information tagged to hierarchically lower members within a same branch of the hierarchical tree structure." This means a member can view information that is at or below his permission level as specified by the visibility rules.).

As per claim 3 and 19, Sultan teaches the first member of the organization is a manager where the visibility rules include a maximum hierarchy depth search value (n) defining a search scope such that the forecast is generated from the manager's own forecast data and from forecast member corresponding to members of the organization who are subordinates and equivalent managers ($\leq n$). (Column 7, lines 47-64: "Sales Manager position B11 should have access to the pipeline and forecast sales information entered and/or modified by his or her hierarchically-lower Account Supervisors B111, B112 and B113 and entered by those Account representatives (e.g., B1121-B1125, among others) that report to him. However, the Sales Manager B11 may have no reason to access either pipeline or forecast information from Sales Managers B12, B13 (even though B12 and B13 belong to the same Division as B11) or that of any other Sales Manager or any hierarchically higher Regional manager, Division Head or CEO. To restrict access to the pipeline and/or forecast information, the assigned permission levels are used. In general, the permission levels for access pipeline and/or forecast information matches a sales force member's hierarchical position within the sales organization, unless such sales force member belongs to an "overlay organization" that participates in the opportunity and has permission to add information to it, but does not "own" the corresponding forecast." where the maximum depth as indicated by this rule would equal the total number of levels below the member with respect to hierarchy.)

As per claim 4 and 20, Sultan teaches creating a forecast series comprising a set of parameters that define attributes of forecasts; and using the set of parameters in the forecast series in said generating the forecast (column 11, lines 60-67 and column 12, lines 1-11: "through a computer (318) connected to the network (312), request a forecast by entering the parameters for the desired forecast in a first screen, such as shown at (320). In the case illustrated in FIG. 3, a Summary by Product forecast is requested. In response to parameters entered by CEO Black, the database 310 is accessed and a forecast is generated corresponding to the parameters entered by aggregating the stored forecast information" Sultan teaches the system being adaptable to generate forecast reports with respect to various parameters, this is equivalent to a forecast series with parameters since it performs an identical function in substantially the same manner with substantially the same results.).

As per claim 5 and 21, Sultan teaches the forecast series comprises parameters that define the visibility rules for forecasts that are based on the forecast series (column 11, lines 9-67 and column 12, lines 1-11, where a regional manager may view a forecast by rolling up the forecast information of all those directly or indirectly reporting to him and a Division Head may generate a forecast of those reporting to him and the CEO can do the same by entering parameters. The database 310 is accessed and a forecast is generated corresponding to the parameters entered by aggregating the stored forecast information" Sultan teaches the system being adaptable to generate forecast reports with respect to various parameters, this is equivalent to a forecast

series with parameters since it performs an identical function in substantially the same manner with substantially the same results.).

As per claim 6 and 22, Sultan teaches enabling the first member to submit the forecast to a superior in the hierarchy structure, wherein said submitting comprises associating the submitted forecast state with the forecast (see claim 1: "accepting original pipeline sales information remotely entered by members of the sales force over a computer network" here only those with a higher permission level can view and or modify the information which is equivalent to submitting it to a superior as it performs an identical function in substantially the same manner with substantially the same results. The member submits their forecast as indicated in column 10, lines 63-65 where a forecast is deemed to be submitted and in a submitted state once it has been submitted.). Sultan does not explicitly teach preventing the first member from modifying the forecast after it has been submitted (column 5, lines 15-24: "the permission level determines what information is available to each person within the sales force and in particular, what forecast information is visible, accessible and/or modifiable to and by each person." where "those with higher ranking positions would enjoy higher permission level than lower-level sales positions in the hierarchy".) Official notice is taken that it is old and well known that once a document is submitted to a superior, the information cannot be modified unless the superior authorizes it. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate a rule within the permission levels that allows the superior change control over information from subordinates in order to means for protecting the information.).

As per claim 7 and 23, Sultan teaches enabling the superior or system administrator to unsubmit the forecast such that the member that submitted it can modify the forecast, wherein said unsubmitting comprises associating one of the created forecast state and the included forecast state with the forecast (column 7, lines 15-22: "Therefore, persons within the sales force occupying positions within the hierarchy that are higher than that of the sales person having entered the pipeline information may modify pipeline sales information included in the original pipeline sales information by increasing or decreasing it, at their discretion. This modified pipeline sales information then, according to the present invention, becomes forecast information." Indicates the superior has the ability to change the data at their discretion which includes allowing the submitter to change it instead of the superior.) Sultan does not explicitly teach unsubmitting. Official notice is taken that it is old and well known in document management to send information back for a revision or update. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to utilize a revision mechanism to provide a means for updating information or correcting errors. Once a document has been sent back for corrections or modifications it would be considered to be back in the create state since the member is re-creating the forecast.

As per claim 8 and 24, Sultan teaches presenting the forecast data in graphical format that enables comparing to related forecasts over time that are specified to be visible to that member (column 11, lines 9-12: "Regional Manager B3 may view a pipeline and/or a forecast by rolling up (summing) the pipeline and/or forecast information of all those directly or indirectly reporting to him." Where the pipeline

contains multiple forecasts that are viewed simultaneously. The information is graphical as depicted in Figure 3: Forecast Summary by Product).

As per claim 15 and 31, Sultan teaches the current forecast participant is a manager whose forecast is determined, in part, on forecasts that are submitted by one or more selected subordinate members, comprising (column 2, lines 61-column 3, line 2: "Each member of the sales force of the company may be assigned a permission level, the assigned permission level determining which stored sales forecast information are aggregated in the real time sales forecast. A real time sales forecast may be generated by aggregating only stored sales forecast information and/or stored pipeline sales information of those members of the sales force having a lower permission level than a member of the sales force having requested the real time sales forecast."); generating a forecast for the manager based on a combination of forecasts submitted by said selected subordinate members and automatically generated forecasts (column 2, lines 34-37: "selectively aggregating the stored sales forecast information according to a hierarchy indicated by the hierarchical structure to generate, upon request, a real time sales forecast over a selected time period."); and automatically generating a forecast for any selected subordinate member who has yet to submit a forecast. Sultan does not explicitly teach automatically generating a forecast. Official notice is taken that it is old and well known in the art to incorporate a push system or automatic option with respect to generating a forecast. One such instance is noted in Martin (US 2002/0107720). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the forecast system of Sultan with an automated

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forecasting option to provide a means for completing the forecast in an efficient manner so that it is not waiting on additional input from those that have not generated their respective forecasts.

As per claim 16 and 32, Sultan teaches the manager occupies at least a second level of management in the organization's hierarchy and automatically calculating forecasts for one or more selected subordinate members and have not submitted their forecast is applied in a recursive manner from lower levels to higher levels in the organization's hierarchy (column 3, lines 16-41: "comprising the steps of defining a hierarchical structure representative of an organization of an entire sales force of the multi-national company; providing a remotely accessible Internet application, the Internet application being configured to allow each member of the sales force to remotely input pipeline and/or forecast sales information via an Internet browser and to store the at least one of inputted sales and forecast information in a single database; selectively allowing the pipeline and/or sales information to be rolled up the hierarchical structure upon request and summed to generate the aggregate sales forecast over a selected time period. The rolling up step may be carried out to a highest level in the hierarchical structure and the aggregate sales forecast may be a global sales forecast for the multi-national company. The selectively allowing step may include steps of assigning a permission level to each salesperson within the sales force according to a position of each member of the sales force within the hierarchical structure and the assigned permission level may determine what pipeline and/or sales forecast information may be included in the aggregated sales forecast. At least the Chief

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Operating Officer (CEO) of the multi-national company may be assigned a highest permission level. The selectively allowing step may further include steps of assigning a special permission level to a person, the special permission level being uncorrelated to a position of the person within the hierarchical structure."). Sultan does not explicitly teach automatically generating a forecast. Official notice is taken that it is old and well known in the art to incorporate a push system or automatic option with respect to generating a forecast. One such instance is noted in Martin (US 2002/0107720). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the forecast system of Sultan with an automated forecasting option to provide a means for completing the forecast in an efficient manner so that it is not waiting on additional input from those that have not generated their respective forecasts.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linda Krisciunas whose telephone number is 571-272-6931. The examiner can normally be reached on Monday through Friday, 6:30 am to 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on 571-272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LMK

LMK
July 26, 2006

Roman Jeanty
Primary Examiner
Art Unit 3623